Case 3:73-cv-00127-MMD-CSD Document 2557 Filed 08/07/19 Page 1 of 5

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2	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
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4	UNITED STATES OF AMERICA,) CASE NO.	3:73-cv-00127-MMD-WGC
5	Plaintiff,))	
6	WALKER RIVER PAIUTE TRIBE,)	
7	Plaintiff-Intervenor,)	
8	vs.	PROPOSED MINUTES (: OF PROCEEDINGS
9) <u>MINOTES (</u>	or trockedings
10	WALKER RIVER IRRIGATION DISTRICT, et al.))	
11 12	Defendants.) DATED:	August 7, 2019
13)	
14	PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE DEPUTY CLERK: Karen Walker REPORTER: Liberty Court Recorder COUNSEL PRESENT: Andrew Guarino, Esq., Tyler Eastman, Esq., Wes Williams, Jr., Esq., Gordon DePaoli, Esq., James Bolotin, Esq., Dale Ferguson, Esq., Tori Sundheim, Esq., Christopher Mixon, Esq., Nhu Nguyen, Esq., Therese Ure, Esq. COUNSEL APPEARING BY PHONE: Brad Johnston, Esq., Iris Thornton, Esq., Simeon		
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19 20			
21	Herskvits, Esq., Miles Kreger, Esq., Jason, Canger, Esq., Roderick Walston, Esq., Harry		
22	Swainston, Pro Se		
23	MINUTES OF PROCEEDINGS: Status C	Conference	
24	10:08 a.m. Court convenes.		
25	The court is in receipt of the proposed agenda (ECF No. 2551) and will follow the		
26 27	discussion points listed on page 2 for today's conference.		
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MINUTES OF PROCEEDINGS - 1

Case 3:73-cv-00127-MMD-CSD Document 2557 Filed 08/07/19 Page 2 of 5

Agenda item 1:

The Principal Parties' Recommendations on the Substitution of Parties concerning the process for substitution of parties, requests to be removed from email notifications, and service issues for unrepresented entities.

ECF Nos. 2434 Notice of Change of Ownership of Water Right/ and 2485 - Order:

The court and principal counsel confer regarding the VanSyoc Notice of Change of Ownership of Water Right (ECF No. 2434). After discussion with counsel, the court notes the request was not regarding transfer of a water right but pertains to certain individual ownership of stock in the Antelope Valley Mutual Water Company (AVMWC) which is and remains a party defendant in this action. This transfer of stock rights would not necessitate court approval, nor does it affect defendant party AVMWC.

Despite the language in Order (ECF No. 2485), the court will not proceed with the requested substitution of Mr. VanSyoc with Ms. VanSyoc or the other heirs of AVMWC stock and AVMWC will remain as a named party to this case.

IT IS ORDERED that if AVMWC wishes to take further action in this case, it must act through counsel and follow the substitution process outlined in Order (ECF No. 2556) utilizing the attached "Form A" (ECF No. 2556-1). This form is not available, however, for transfer of property/water rights by a trust, estate or corporation.

ECF No. 2452 – Notice (Reiko Hervin and Patricia Hervin):

After discussion with counsel, the court will take no further action on ECF No. 2452.

IT IS FURTHER ORDERED that if the heirs of Reiko and/or Patricia Hervin wish to take further action in this case, they must act through counsel and follow the substitution process outlined in Order (ECF No. 2556) utilizing the attached "Form A" (ECF No. 2556-1). Form A, however, may not be utilized by trusts or estates.

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Case 3:73-cv-00127-MMD-CSD Document 2557 Filed 08/07/19 Page 3 of 5

ECF Nos. 2458 – Motion/Letter to be removed from e-mail notifications and 2486 - Order:

In ECF No. 2458, Mr. Phillip Tucker and Ms. Dona Tucker, identified as "trustees" of the "AAPSM Trust," advised they (whether individually or as trustees is not known) sold the property at 57 Desert View, Smith Nevada, and are "no longer interested parties to this litigation" and seek to be removed from the court's email service list.

Mr. Eastman advises the court that despite the Tuckers' letter advising they have divested themselves of certain property, Phillip E. Tucker and Dona C. Tucker remain as individual parties; the AAPSM Trust is not and never has been a party to this action. The court and counsel concur that Phillip E. Tucker and Dona C. Tucker remain as parties to this action.

Mr. and Ms. Tucker also requested removal from the email notification service list. To the extent the Clerk has not already done so in accordance with ECF No. 2486, the Clerk will remove Phillip E. Tucker and Dona C. Tucker from the email notification service list after the final Minutes of Proceedings are filed and placed on the docket.

IT IS FURTHER ORDERED that Tuckers, individually or as trustees, seek to take action in this case, to the extent such action involves the Tuckers as trustees, as on behalf of the Tucker Trust, they must act through counsel. If acting individually, they may follow the substitution process outlined in Order (ECF No. 2556) utilizing the attached "Form A" (ECF No. 2556-1), which, however, as noted earlier by the court, is not available for transfer of property/water rights by a trust or an estate.

ECF No. 2460 – Motion/Letter to be removed from the email list:

In ECF No. 2460, Ms. Marcia Anderson advises the court she was trustee of the Sabatino Trust which owned but has sold property located at 335 N. River Lane, Coleville, CA. Ms. Anderson seeks to be removed from the Clerk's email service list.

MINUTES OF PROCEEDINGS - 3

Case 3:73-cv-00127-MMD-CSD Document 2557 Filed 08/07/19 Page 4 of 5

After discussion with principal counsel, it is determined that Sabatino Trust remains a party to this action. The motion (ECF No. 2460) requesting Marcia Anderson, trustee of the Sabatino Trust be removed from the email notification service list is **granted** but the Trust remains a party to this litigation.

IT IS FURTHER ORDERED that the Clerk remove Marcia Anderson from the email notification service list after the final Minutes of Proceedings are filed and placed on the docket. The Sabatino Trust remain as a party to this action unless and until it takes action via counsel to effect a substitution of a party.

ECF Nos. 2475 – Motion/Notice of Change of Ownership of Water Right and 2487 – Order:

In ECF No. 2475, John H. Felber, Trustee of the John H. Felber Trust, advises the Felber Trust conveyed ownership of the water rights of the Felber Trust to the Elizabeth Hayden Separate Property Trust. The court's minute order (ECF No. 2487) incorrectly stated that upon notification of the email address for the Hayden Trust that the court's docket would delete the Felber Trust and substitute the Hayden Trust.

The court discusses with counsel for the principal parties whether the Order (ECF No. 2487) should be vacated to the extent there was change in ownership which the court stated it would recognize on the docket. The court concluded the John H. Felber Trust remains a party to this action, and not Elizabeth Hayden Separate Property Trust; ECF No. 2487 is amended accordingly.

IT IS FURTHER ORDERED that John H. Felber Trust wishes to take action in this case, it must act through counsel and follow the substitution process outlined in Order (ECF No. 2556) utilizing the attached "Form A" (ECF No. 2556-1), which, however, as noted earlier by the court, is not available for transfer of property/water rights by a trust or an estate.

MINUTES OF PROCEEDINGS - 4

Case 3:73-cv-00127-MMD-CSD Document 2557 Filed 08/07/19 Page 5 of 5

Agenda item 2: Recommendations and Proposed Order regarding Substitution of Parties and Attorney Withdrawal for Entities.

The court advises counsel that it will make certain relevant modifications to the language used in the Proposed Order (ECF No. 2504-1) and Form A (ECF No. 2504-2) discussed above and file on the docket in this case.

Agenda item 3: Confirmation of next status conference and/or informal meetings.

IT IS ORDERED that a status conference is scheduled for December 18, 2019, at 10:00 a.m., in Reno Courtroom 2 before United States Magistrate Judge William G. Cobb. Mr. Guarino agrees to prepare the agenda of items to discuss at the next status conference. The

Agenda for the status conference to be submitted on or before **December 13, 2019**.

Although counsel for the principal parties are encouraged to attend the conference in person, counsel who are located outside of the Reno, Nevada area may participate telephonically. Out of town counsel shall dial 1-888-557-8511, enter the access code 3599743, and enter the security code 121819, approximately fifteen (15) minutes prior to the hearing.

IT IS FURTHER ORDERED that if the parties find that these "Proposed Minutes of Proceedings" are unclear or mistaken as to the determinations and orders made with respect to Agenda Item No. 1, a notice indicating any recommended corrections or revisions shall be filed within five (5) days from the date of filing the "Proposed Minutes of Proceedings". The court will thereafter promptly revise the proposed minutes, if and as necessary.

There being no additional matters to address at this time, court adjourns at 11:18 a.m.

DEBRA K. KEMPI, CLERK OF COURT

By:	/s/		
•	Karen Walker, Deputy Clerk		

MINUTES OF PROCEEDINGS - 5

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